

**THE RESTRICTION REQUIREMENT:**

Examiner has indicated that Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12 are, drawn to engine controlled by a transmission change, classified in class 477, subclass 109.
- II. Claims 13-18, drawn to transmission controlled by a clutch status, classified in class 477, subclass 80.

**ELECTION AND REMARKS:**

Responsive to Examiner's Restriction Requirement, Applicant elects Group I, claims 1-12 with traverse for the following reasons: Examiner has not specified the ground upon which restriction is based. It has been stated that the two groups of claims fall into different subclasses, but does not alleged a proper ground supporting restriction. After listing criteria from MPEP 806.05(j), it is then stated that "[i]n the instant case, Group I does not require a sensed clutch condition, and Group II does not require the engine torque control based on the transmission condition. However, it is never identified which criteria under MPEP 806.05(j) this characterization meets. Moreover, without admitting that the two Groups of claims are obvious variants of one another, Applicant is at a loss as to which ground the Office is basing the requirement. Therefore, the restriction requirement is respectfully traversed and it is requested that it be withdrawn and all of the claims be examined in the present application.

Serial No.: 10/709,385  
Confirmation No.: 3681  
Applicant: STEEN, Marcus et. al.  
Atty. Ref.: 0173.054.PCUS00

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 0173.054.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy Druce".

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